United States District Court
Southern District of Texas
ENTERED
November 30, 2021
Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JESSE MENDEZ,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL NO. 2:18-CV-396
	§	
P CHANG, *et al*,	§	
	§	
Defendants.	§	

ORDER

The Court is in receipt of Plaintiff Jesse Mendez's ("Mendez") Motion for Summary Judgment, Dkt. No. 48; a motion for summary judgment filed by Defendants Owen Murray, M.D., Philemon Chang, M.D., Isaac Kwarteng, M.D., Monica Pickthall, M.D., Tanya Lawson, Lannette Linthicum, M.D., Allen Hightower, and Bryan Collier (collectively "Defendants"), Dkt. No. 59; and the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 67. The deadline to object to the M&R has passed, and no objections have been filed.

The M&R, citing to Defendants' First Amended Answer, notes that "Bryan Collier has been the acting TDCJ Executive Director since 2016 and should, therefore, be substituted in place of Defendant Livingston. Dkt. No. 67 at 2. **The Court ORDERS the Clerk to substitute Defendant Bryan Collier for Defendant Brad Livingston.**

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 67, in substance.[1] The Court **DENIES** Plaintiff's motion for summary judgment, Dkt. No. 48. The Court **GRANTS** Defendants' motion for summary judgment, Dkt. No. 59, and **DISMISSES WITH PREJUDICE** Plaintiff's deliberate indifference claims against Defendants.

SIGNED this 30th day of November 2021.

Hilda Tagle
Senior United States District Judge

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[1] The Court alters and adopts the following statement (with the correction in bold type):

- "Second, he must claim that the defendant's action was objectively **unreasonable** in light of the law that was clearly established at the time of the complained-of actions." Dkt. No. 67 at 19.
- "In this case, because Plaintiff has failed to establish his Eighth Amendment claims against Defendants, it is not necessary to examine whether Defendants' actions were objectively **unreasonable**." *Id.*